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Customer Number

Patent
Case No.: 57453US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: FLEMING, PATRICK R.

Application No.: 10/051745

Group Art Unit: 3763

Filed: January 15, 2002

Examiner: Loan H. Thanh

Title: MICRONEEDLE DEVICES AND METHODS OF MANUFACTURE

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date

Signed by: Carrie M. Arcand

Dear Madam:

This is in response to the Non-Responsive Amendment Office communication mailed February 9, 2004. Thank you for accepting my telephone call on March 2, 2004 in regards to clarification of this Office communication from the USPTO.

To restate, Applicants provisionally elect Group I (i.e., claims 1-35), and respectfully request reconsideration and withdrawal or modification of the restriction requirement.

Additionally, Applicants elect for examination, the species identified by the Examiner in Figs. 1-2a. All claims identified in Group I are believed to read on the elected species, and consideration of all pending claims is respectfully requested once the generic claims are found to be allowable.

The traversal has two parts. First, applicants respectfully request clarification as to the reasons for the restriction requirement. It is unclear which of the identified species by figure number correspond with the claims. In accordance with MPEP §809.02(a)(B), the Examiner must "[c]learly identify each ... of the disclosed species, *to which claims are restricted*. If the species *cannot be conveniently identified*, the claims may be grouped in accordance with the species to which they are restricted."

Second, applicants respectfully submit that the public will be better served if only one patent issues from the enclosed specification. Instead of requiring two file histories for the inventions in this case, if the restriction requirement is withdrawn, there will only be one for the presently claimed invention.

Conclusion

Applicants have elected Group I and elect for examination, with traverse, the species identified by the Examiner in Figs. 1-2a. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

March 7, 2004
Date
Office of Intellectual Property Counsel
3M Innovative Properties Company

By: Ted Ringsred
Ted Ringsred, Reg. No.: 35,658
Telephone No.: (651) 736-8539
Facsimile No.: (651) 736-3833